RIORDAN ET AL.
"Software Content Downloading Methods
in radio Communication Networks"
Atty. Docket No. CS11457

Appl. No. 10/083,876
Confirm. No. 4745
Examiner G. Duong
Art Unit 2155

REMARKS

Request for Reconsideration, Informal Matters, Claims Pending

The final Office action mailed on 18 January 2006 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Applicants decline to adopt the Examiner's recommendation to include a Summary. Claims 18 and 19 have been canceled.

Claims 1-17 are pending.

Allowability of Claims Over Tanaka

Rejection Summary

Claims 1-4 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,671,509 (Tanaka).

Allowability of Claim 1

Claim 1 has been amended to include limitations of Claim 3. Tanaka fails to disclose or suggest a

> radio communication network software downloading method, comprising:
> communicating terminal unique information for the downloading of common software content from the network to a plurality of terminals in the network on corresponding dedicated communication channels for each terminal;

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   sending a message to a plurality of terminals on corresponding dedicated communication channels to receive the common software content on a shared channel;

   transmitting the common software content from the network to the plurality of terminals on the shared communication channel after sending the message.

At col. 8, lines 16-17 (referenced by the Examiner), Tanaka discloses a unidirectional broadcast channel and a traffic channel used to transfer user information between the base and mobile stations. However, Tanaka does not disclose sending a message to a plurality of terminals on corresponding dedicated communication channels to receive the common software content on a shared channel and then transmitting the common software content to the plurality of terminals after sending the message. In Tanaka, the mobile station selects the desired content from a menu, and then the mobile station receives the content cyclically transmitted by the base station. Tanaka, col. 7: 35-61, col. 8: 24-28. The process of FIG. 5 of Tanaka, discussed at col. 9: 46 et sequens uses bidirectional control and traffic channels, not a shared communication channel. Amended Claim 1 is thus patentably distinguished over Tanaka.

Allowability of Claims Over Tanaka & Varanasi

Rejection Summary

Claims 6, 7, 9-10, 15 and 16 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,671,509 (Tanaka) in view of U.S. Patent No. 6,219,341 (Varanasi). The Examiner relies upon Varanasi for teaching that "... spread spectrum signals may be dynamically allocated."

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Allowability of Claim 6

Regarding Claim 6, Tanaka and Varanasi fail to disclose or suggest in combination with Claim 1,

> ... multiplexing a plurality of different common software content on the shared communication channel, dynamically adjusting the plurality of different common software content multiplexed on the shared communication channel.

At, col. 9: 4-26, Tanaka discloses a base station that time multiplexes the transmission of software and instructive information. In Tanaka, particularly, the instructive is transmitted on a broadcast channel and then the software is broadcast on either a control or broadcast channel. Thus Tanaka discloses multiplexing the software and instructive information on different channels. Moreover, Tanaka fails to disclose dynamically adjusting the different content on the shared communication channel. Varanasi discloses allocating spread spectrum radio resources to different users using spreading codes. Varanasi neither multiplexes different software content on a shared communication channel, nor dynamically adjusts multiplexed software transmitted on a shared channel. Claim 6 is thus further patentably distinguished over Tanaka and Varanasi.

Allowability of Claim 7

Claim 7, formerly dependent from Claim 6, was amended to depend from Claim 20. Tanaka and Varanasi fail to disclose or suggest in combination with Claim 20,

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> ... dynamically adjusting the plurality of different common software content
> in proportion to a changing number of the plurality of terminals receiving the
> plurality of different common software content.

The Examiner's reliance on Varanasi is misplaced. Varanasi discloses allocating spread spectrum radio resources to different users using spreading codes. Varanasi neither multiplexes different software content on a shared communication channel, nor dynamically adjusts the multiplexed software in proportion to a changing number of terminals receiving the software. Claim 7 is thus further patentably distinguished over Tanaka and Varanasi.

Allowability of Claim 9

Regarding Claim 9, contrary to the Examiner's assertion, Tanaka and Varanasi fail to disclose or suggest a

> ... radio communication network software downloading method,
> comprising:
>   transmitting software content from a radio communication network to
> a plurality of terminals in the network by multiplexing the software content
> on a shared communication channel received by the plurality of terminals;
>   dynamically adjusting the software content multiplexed on the shared
> communication channel.

Tanaka fails to disclose dynamically adjusting the different content on the shared communication channel. Varanasi discloses allocating spread spectrum radio resources to different users using spreading codes. Varanasi neither multiplexes different software content on a shared communication channel, nor dynamically adjusts multiplexed software transmitted on a shared channel. Claim 9 is thus patentably distinguished over Tanaka and Varanasi.

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Allowability of Claim 10

Regarding Claim 10, Tanaka and Varanasi fail to disclose or suggest in combination with Claim 9, "... dynamically adjusting the software content multiplexed on the shared communication channel from a radio device management server in communication with the radio communication network." Claim 10 is thus further patentably distinguished over the art.

Allowability of Claim 15

Regarding Claim 15, Tanaka and Varanasi fail to disclose or suggest in combination with Claim 9,

> ... the software content comprises a plurality of software files, dynamically adjusting the software content multiplexed on the shared communication channel based upon at least one of file size and a number of the plurality of terminals receiving the software files.

Tanaka multiplexes the software based on the different types of content, i.e., instructive information and software, not based on the size of the files or on the number of terminals receiving the software. Claim 10 is thus further patentably distinguished over the art.

Allowability of Claim 16

Regarding Claim 16, Tanaka and Varanasi fail to disclose or suggest in combination with Claim 9, "... receiving confirmation from each of the plurality of terminals that received the software content on corresponding

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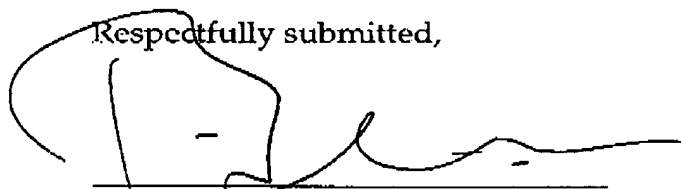in radio Communication Networks"   Examiner G. Duong
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dedicated communication channels for each terminal after transmitting."
Claim 16 is thus further patentably distinguished over the art.

Prayer For Relief

In view of the amendments and the discussion above, the Claims
of the present application are in condition for allowance. Kindly withdraw any
rejections and objections and allow this application to issue as a United States
Patent without further delay.

Respectfully submitted,

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